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HONOLULU, HAWAIIAN ISLANDS, MONDAY, SEPTEMBER 7, 1891.

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THE DAILY
Commercial Advertiser

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at No. 48 Merchant St.

Supreme Court of the Ha-
waiian Islands.

In Banco.

First Term, 1891.

THE QUEEN VS. YOUNG QUAI.

J. J. RICKERTON AND

J. J. MULLY, J. ABSENT.

The Court has concurrent juris-

diction with the Police and District

Courts in all cases involving

the person or property of a

defendant, and in all cases

involving the person or property

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deadly weapons has not taken this jurisdiction away, but has conferred a concurrent jurisdiction over them upon the lower Courts where the assault is not of a highly aggravated character.

See Naibe v. Kuau, 4th Haw., 297. It is not essential that it appear in the indictment that the accused has been committed for trial. This is a matter for the presiding Justice when examining the indictment presented to him for allowance.

If it should appear on the trial of the indictment that the offense was not of a highly aggravated character and that the Police Justice might well have taken summary jurisdiction of it, this would not oust the Supreme Court of its concurrent jurisdiction. In such a case the defendant would not be prejudiced, for the presiding Justice, in the exercise of his discretion over the punishment, would be authorized to impose a penalty within the limits of the jurisdiction of the Police Court.

The case cited by defendant's counsel, State v. Hilton, 22 N. H., 285, is not in point. There the indictment left out the word "knife," so as the Court say, "all that part of the indictment which went to make the offense an aggravated assault committed with the knife should be rejected as surplusage. The indictment was thereby left as one for a simple assault and battery and falling within the jurisdiction of a Justice of the Peace to try." Upon the statutes of New Hampshire, the Court held that before the Court of Criminal Pleas could take cognizance of an indictment for an assault and battery, it must appear that respondent had been arrested, brought before a Justice of the Peace and bound over to appear at the succeeding term of the common pleas, and that it was the intention of the statute to confine the trial of common assaults and batteries to Justices of the Peace.

In our case the jurisdictional facts are set forth in the indictment, for an offense is there set out of which the Supreme Court has original jurisdiction, and in all such cases the proceeding is by indictment upon a commitment by a Police or District Justice. This part of the procedure it is not necessary to set out in the indictment any more than the fact that the accused was arrested for the offense upon a warrant issued upon sworn information.

We overrule the plea. Attorney-General Whiting for the Crown; Ashford & Ashford for defendant. Honolulu, August 12th, 1891.

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Attorney and Counsellor-at-Law.

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(SUBJECT TO CHANGE.)

THE AUSTRALIA AND ZEALANDIA

Leave San Francisco at 2 o'clock P. M.

Leave Honolulu at 12 M. Tuesdays.

The Through Steamers Leave San Fran-

cisco and Honolulu Thursdays.

STEAMER. SAN FRANCISCO. HONOLULU.

Zealandia. July 28. Aug. 4

Australia. Aug. 11. Aug. 18

Alameda. Aug. 20. Aug. 27

Zealandia. Aug. 25. Sept. 1

Australia. Sept. 8. Sept. 15

Mariposa. Sept. 17. Sept. 24

Zealandia. Sept. 22. Sept. 29

Australia. Oct. 6. Oct. 13

Monowai. Oct. 15. Oct. 22

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Australia. Nov. 3. Nov. 10

Zealandia. Nov. 17. Nov. 24

Mariposa. Nov. 19. Nov. 26

2690-3m

Australian Mail Service

FOR SAN FRANCISCO.